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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,765	06/28/2006	Mathieu Langlais	4444-058	1483
22429	7590	05/20/2010		EXAMINER
LOWE HAUPTMAN HAM & BERNER, LLP				KING, SIMON
1700 DIAGONAL ROAD				
SUITE 300			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22314			2614	
			MAIL DATE	DELIVERY MODE
			05/20/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/564,765	LANGLAIS, MATHIEU	
	<b>Examiner</b>	<b>Art Unit</b>	
	SIMON KING	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 17 January 2006.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-10 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-10 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 17 January 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>01/17/2006</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 3 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As for claim 1, In 11, the cited limitation of "... authorize any coupling..." render claim 1 unclear and indefinite. Examiner is not sure as to what or where "any" is referencing to. Claim 3, In 10 and claim 7, In 9, are also rejection for the same reason. Furthermore, for claim 3, In 10 and claim 7, In 9, the cited limitation of "deemed" render claims 3 and 7 unclear and indefinite. The word "deemed" is not a positive recitation. During this particular examination, no patentable weight is given to the cited limitation "deemed". Corrective action is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shanbhag et al. (US 2003/0063581) in view of Banker et al. (US 2005/0013310 A1).

As for claim 1, Shanbhag discloses a method of transmitting data in a telecommunications system (Shanbhag: abstract) including a transmitter and a receiver adapted to be coupled together via an intermediate device (Shanbhag: Fig.1 and [0010]: wireless content switch 10) including a controller arrangement for managing (Shanbhag: Fig.1 and [0023]: Processing Unit 70) (a) at least one signaling port able to receive coupling authorization requests and to deliver such authorizations (Shanbhag: Fig.1 and [0038]: upstream port 50a receives data packet with authentication challenge), and (b) at least one listening port (Shanbhag: Fig.1 and [0038]: downstream port 50b monitors the IP address) to which the transmitter and receiver are able to be coupled after having been so authorized by the intermediate device (Shanbhag: [0038]: wireless content switch 10 authenticated the signal), the method including: configuring the intermediate device in a default access authorization mode (Shanbhag: [0009]: wireless content switch authenticates wireless client for internet access), in which the intermediate device can authorize any coupling to the listening port (Shanbhag: [0018]: wireless content switch 10 includes any number of records of wireless client), and coupling the transmitter and receiver to the listening port (Shanbhag: [0038]: downstream able to transmit and receive signals). Shanbhag discloses the claimed invention and the listening port able to transmit and receive. Shanbhag fails to teach where a transmitter and receiver coupled to the listening port.

However, Banker discloses where a transmitter and receiver coupled to the listening port for the purpose of transmitting and receiving (Banker: [0201]: transmitter and receiver sending packets via listening (uplink) port).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to implement where a transmitter and receiver coupled to the listening port as taught by Banker in Shanbhag for the purpose of transmitting and receiving.

As for claims 2, 4 and 8, Shanbhag in view of Banker discloses the method, system and device, wherein the intermediate device, prior to transmission, has loaded therein the address of the listening port to which the transmitter is intended to be coupled (Shanbhag: [0038]).

As for claim 3, Shanbhag in view of Banker discloses a telecommunication system including a transmitter and receiver adapted to be coupled together via an intermediate device including a controller arrangement for managing at least one signaling port able to (a) receive coupling authorization requests and to deliver such authorizations, and (b) manage at least one listening port to which the transmitter and receiver are able to be coupled after having been so authorized by the intermediate device, the intermediate device being arranged for configuring default access mode, in which the intermediate device is deemed to authorize any coupling to the listening port; the transmitter being arranged for storing an address peculiar to the listening port to which the transmitter is intended to be coupled (see rejection for claim 1).

As for claims 5, 6, 9 and 10, Shanbhag in view of Banker discloses a server for performing the functions of the intermediate device included in the telecommunication system (Fig.1: wireless content switch 10 includes processor, memory and input/ouput ports).

As for claim 7, Shanbhag in view of Banker discloses an intermediate device for a telecommunication system including a transmitter and receiver adapted to be coupled together via the intermediate device, the transmitter being arranged for storing an address peculiar to a listening port to which the transmitter is intended to be coupled, the intermediate device including a controller arrangement for managing at least one signaling port able to (a) receive coupling authorization requests and to deliver such authorizations, and (b) manage at least one listening port to which the transmitter and receiver are able to be coupled after having been so authorized by the intermediate device, the intermediate device being arranged for configuring a

default access mode, in which the intermediate device is deemed to authorize any coupling to the listening port (see rejection for claim 1).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SIMON KING whose telephone number is (571)270-1950. The examiner can normally be reached on 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, FAN TSANG can be reached on (571)272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

12 May 2010  
/Fan Tsang/  
Supervisory Patent Examiner, Art Unit 2614

/SIMON KING/  
Examiner, Art Unit 2614